

REMARKS

Claims 1-16 are pending in the present application.

This Amendment is in response to the Office Action mailed March 19, 2008. In the Office Action, the Examiner rejected claims 1, 4, 7, 10, 12, 15 under 35 U.S.C. § 102(e) and claims 2, 3, 5, 6, 8, 9, 11, 13, 14, 16 under 35 U.S.C. § 103(a).

Applicant has amended claims 1-16 and added claims 17-18. Applicant submits that the newly-added claims introduce no new matter. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Applicant kindly requests that the Examiner sign and initial a copy of the Form PTO-1449 as filed on May 8, 2006 (as Attachment A (3 pages)) and return it to Applicant's mailing address to complete Applicant's records.

I. REJECTIONS UNDER 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1, 4, 7, 10, 12, 15 under 35 U.S.C. § 102(e) as being clearly anticipated by U.S. Patent No. 6,148,140 issued to Okada et al. ("Okada"). Applicant respectfully traverses the rejections for the following reasons.

The Examiner claimed that Okada discloses first and second devices for generating first and second managing control information, the first managing control information is generated on the basis of the second managing control information and the second managing control information corresponds to the number of the recorded unit recording information (Fig. 17, Col. 34 lines 50-55, Fig. 6, Col. 17 line 65 to Col. 18 line 40, Col. 23 lines 60 to Col. 24 line 45,...) The Examiner also equated managing control information in the claimed invention to VOB as disclosed in Okada. The managing control information in the claimed invention is not the VOB as it is the Video Object or unit information. The managing control information is the video manager general information (VMGM).

Okada discloses that VOB includes VOB#1, VOB#2,... where video packs and audio packs included in a VOB. The arrangement of video packs and audio packs

correspond to the arrangement of an equal number of consecutive logical sectors, ... (Col. 17 line 65 to Col. 18 line 40). The information for the buffer control is written as time stamps in a packet header... (Col. 23 line 60 to Col. 24 line 45)...Okada further discloses that the volume area is used for recording AV files that are each composed of a plurality of VOBs and an RTRW (Real Time Rewritable) management file that is the management information for the AV files (Col. 14 lines 14-17). The Examiner also stated, "Okada teaches first managing control information which is RTRW management file and second management control information which is DTS and PTS in packet header... Therefore, RTRW and VOB meet the newly added limitation of independent claims. As stated above, VOB and RTRW in Okada are not the same as the first and second management control information. Furthermore, Okada does not disclose a first area which includes tentatively recorded video manager information where the tentatively recorded video manager information being recorded at a point where recording of the information is not terminated.

To support a 102 rejection, the Examiner must show that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bro. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987), (MPEP §2131). In addition, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), (MPEP §2131). Here, the Examiner has not pointed out the specific language in Okada that teaches a first area that includes tentatively recorded video manager information, where the tentatively recorded video manager information is recorded at a point where recording of information is not terminated.

Okada, taken alone or in any combination, does not disclose, suggest, or render obvious a first area that includes tentatively recorded video manager information, where the tentatively recorded video manager information is recorded at a point where recording of information is not terminated.

Since there is no showing of the identical invention in as complete detail as is contained in the claim, Applicant respectfully requests that rejection under 35 U.S.C. §102(e) be withdrawn.

II. REJECTIONS UNDER 35 U.S.C. § 103

The Examiner rejected: 1) claims 2, 3, 5, 8, 9, 11, 13, 14, 16 under 35 U.S.C. § 103(a) as being unpatentable over Okada et al. in view of U.S. Patent No. 6,501,727 issued to Nozaki et al. ("Nozaki"); 2) claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Nozaki et al., in view of U.S. Patent No. 6,553,180 issued to Kikuchi et al. ("Kikuchi").

Applicant respectfully traverses the rejections for the following reasons.

Nozaki discloses, "When reservation recording is complete, the recording/playback apparatus sets the playback order of cells recorded on the basis of the reservation information as a program chain and records the program chain a playback control information unit (FIGS. 2A to 2E, 3A, and 3B) (Col. 9 lines 58-62). One of the new functions is program reservation recording... recording reservation must be performed before that (Col. 1, lines 62-64). Nozaki also discloses that the recording order and recording information sizes of the computer data and audio & video data can be freely set. Areas in which the computer data is recorded are called computer data files. An area in which audio & video data is recorded is called an audio & video file (Col. 6 lines 25-28)...

Kikuchi discloses that control information in a lower layer of audio/video data area DA2 corresponds to video manager information VMGI 75 and video title set information VTSI 94 in terms of its function (Col. 12, lines 35-38). Kikuchi further discloses that data is written in the management area of set disc 10 (Col. 49, line 66). For example, video title set VTS corresponding to a program to be recorded is registered in video manager information VMGI and files that relate to this VTS are created (Col. 12 lines 35-38, Col. 49 lines 66-67, and Col. 50 lines 1-2). No where in Kikuchi that discloses a first area that includes tentatively recorded video manager information, where the tentatively recorded video manager information is recorded at a point where recording of information is not terminated.

Okada, Nozaki, and Kikuchi, taken alone or in any combination, do not disclose, suggest, or render obvious a first area that includes tentatively recorded video manager information, where the tentatively recorded video manager information is recorded at a point

where recording of information is not terminated. This aspect of the invention is supported in the specification on page 42 (lines 4-10), page 46 (lines 10-13), Figs. 9 & 10 and is recited in amended claims 1, 7 and 12.

Therefore, Applicant believes that independent claims 1, 7, 12 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. § 102(e) and § 103(a) be withdrawn.

CONCLUSION

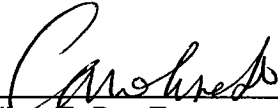
In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,
PIONEER NORTH AMERICA, INC.

Dated: _____

5/14/08



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Attachment A

Nobuo HAINO et al.

Examiner: Nigar Chowdhury

Application No.: 09/929,110

Group Art Unit: 2616

Filed: August 15, 2001

Confirmation No.: 8429

Title: INFORMATION RECORDING APPARATUS, INFORMATION RECORDING METHOD AND INFORMATION RECORDING MEDIUM IN WHICH RECORDING CONTROLLING PROGRAM IS RECORDED

COPY

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Alexandria, VA 22314

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed after the events recited in § 1.97(b) but, to the undersigned's knowledge, before the mailing date of a Final Action, a Notice of Allowance, or another action that closes prosecution in the above-referenced application. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00, as specified by § 1.17(p).

A European Examination Report dated October 24, 2005 is attached for the Examiner's consideration together with a copy of each document listed on the attached PTO Form 1449.

Documents cited in the European Examination Report are listed on the attached PTO Form 1449. Attachment A

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "Prior Art". If it should be determined that any of the listed documents do not constitute "Prior Art" under the United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over any of the listed documents, should the document be applied against the claims of the present application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSIONS OF TIME** in accordance with 37 C.F.R. § 1.13(a)(3).

Respectfully submitted,

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By:



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Dated May 8, 2006

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